

Application No. 10/578,171
Amendment Dated: August 27, 2008
Reply to Office Action of: June 27, 2008

Remarks/Arguments

In response to the Restriction Requirement issued June 27, 2008, the applicant elects the claims of Group I, claims 1-4, 9, 14-16, 19-20, 25, 27-28, 37-39, 51-52, 54, and 59. Non-elected claims 29, 32, 35, 36, 50, 53, 57, 60, 61, and 62 (Groups II - VII) are canceled without prejudice.

Claim 59 has been amended, with basis being found in various parts of the specification, including at page 13, line 19, page 15, lines 1-21 and page 16, line 31. The subject matter of canceled independent claim 36 (Group III) has been included in new dependant claim 66. Further support is found in the specification at page 42, lines 28-32. The subject matter of canceled independent claim 50 (Group IV) has been included in new dependant claim 67, and the subject matter of canceled independent claim 60 (Group V) has been incorporated into new dependant claims 68 and 69. New claims 70-75 correspond to original claims 17, 18, 21, 23, 38 and 47. Thus, the pending claims in this application are claims 1-4, 9, 14-16, 19-20, 25, 27-28, 37-39, 51-52, 54, 59 and 66-75.

The Restriction Requirement asserts that U.S. Patent Application No. 2001/0000802 (now issued as US patent No. 6,824,561) to Soykan "teaches both the artificial tissue system as claimed and the implant system as claimed." With regard to the artificial tissue system, It is noted that Soykan describes a device having a coating containing a drug delivery system. The drug interacts with a biological system. Soykan does not describe an artificial tissue system and/or implant system comprising a plurality of cells that promote a biological interaction between an implantable device and a biological system as is claimed in independent claims 1 and/or 28 of the present application. There is no disclosure in Soykan of an artificial tissue, or of promoting interaction of a device (such as a stent) with the surrounding biological tissue, as is recited in independent claims 1 and 28. With regard to independent claim 37 of the present application, the assertion in the Office Action that Soykan teaches an

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implant system comprising a cellular component, a matrix and an implant device is not understood.

A supplemental Information Disclosure Statement is submitted concurrently with this Response.

Prompt and favorable action on the merits of this case is respectfully solicited.

Respectfully submitted,

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